

House File 2570 - Introduced

HOUSE FILE _____
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 652)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to solid waste disposal and environmental
2 management by providing for the designation of environmental
3 management systems, providing incentives, and creating a solid
4 waste alternatives program advisory council, and modifying
5 fees and allocations of funds.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5723HV 82
8 tw/nh/24

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1 1 Section 1. Section 455B.310, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. The tonnage fee is four dollars and twenty-five cents
1 4 per ton of solid waste, except as provided in section 455J.5,
1 5 subsection 1, paragraph "b".
1 6 Sec. 2. Section 455D.3, Code 2007, is amended by adding
1 7 the following new subsection:
1 8 NEW SUBSECTION. 5. ENVIRONMENTAL MANAGEMENT SYSTEMS. A
1 9 planning area designated as an environmental management system
1 10 pursuant to section 455J.7 is exempt from the waste stream
1 11 reduction goals of this section.
1 12 Sec. 3. Section 455E.11, subsection 2, paragraph a,
1 13 subparagraph (1), Code 2007, is amended to read as follows:
1 14 (1) After the one dollar and fifty-five cents is allocated
1 15 pursuant to subparagraph (2), the remaining moneys from the
1 16 tonnage fee shall be used for funding alternatives to
1 17 landfills and shall be allocated as follows:
1 18 (a) Fifty thousand dollars to the department to implement
1 19 the special waste authorization program.
1 20 (b) One hundred sixty-five thousand dollars to the
1 21 department to be used for the by-products and waste search
1 22 service at the university of northern Iowa.
1 23 (c) Up to thirty percent of the fees remitted shall be
1 24 used for grants to environmental management systems as
1 25 provided in section 455J.7.
1 26 ~~(c)~~ (d) The balance of the remaining funds shall be used
1 27 by the department to develop and implement demonstration
1 28 projects for landfill alternatives to solid waste disposal
1 29 including recycling programs. These funds may also be used to
1 30 assist planning areas which have not been designated as
1 31 environmental management systems in meeting the designation
1 32 requirements of section 455J.3.
1 33 Sec. 4. NEW SECTION. 455J.1 ENVIRONMENTAL MANAGEMENT
1 34 SYSTEMS == LEGISLATIVE FINDINGS == PURPOSE.
1 35 1. The purpose of this chapter is to encourage responsible
2 1 environmental management and solid waste disposal and to
2 2 enhance efforts to promote environmental stewardship.
2 3 2. The general assembly finds and declares all of the
2 4 following:
2 5 a. The policy of responsible environmental management can
2 6 be furthered by rewarding solid waste disposal projects that
2 7 operate in an innovative, cost-effective, technologically
2 8 advanced, and environmentally sensitive manner.
2 9 b. Responsible environmental management can also be
2 10 furthered by changing the focus of solid waste disposal
2 11 projects from disposal management to environmental resource
2 12 management.
2 13 c. The concept of environmental stewardship embraces every
2 14 aspect of the environmental footprint created by the

2 15 management and disposal of solid waste.
2 16 d. Environmental management systems mitigate the climate
2 17 change impacts of solid waste disposal by reducing the amount
2 18 of greenhouse gases released into the atmosphere. In
2 19 addition, environmental management systems improve water
2 20 quality by limiting and treating the impacts of leachate
2 21 disposal and by providing positive examples of sustainable
2 22 water resource management.

2 23 e. The goal of managing resources in a sustainable manner
2 24 is to increase the benefits to communities and society for the
2 25 present and for the future.

2 26 Sec. 5. NEW SECTION. 455J.2 DEFINITIONS.

2 27 For purposes of this chapter:

2 28 1. "Commission" means the environmental protection
2 29 commission.

2 30 2. "Council" means the solid waste alternatives program
2 31 advisory council established by the director.

2 32 3. "Department" means the department of natural resources.

2 33 4. "Director" means the director of the department of
2 34 natural resources.

2 35 5. "Environmental management system" or "system" means a
3 1 solid waste planning area which has been designated as an
3 2 environmental management system pursuant to section 455J.7.
3 3 "Environmental management system" includes a planning area
3 4 designated as an environmental management system that is
3 5 providing multiple environmental services in addition to solid
3 6 waste disposal and that is planning for the continuous
3 7 improvement of solid waste management by appropriately and
3 8 aggressively mitigating the environmental impacts of solid
3 9 waste disposal.

3 10 Sec. 6. NEW SECTION. 455J.3 ENVIRONMENTAL MANAGEMENT
3 11 SYSTEM DESIGNATION REQUIREMENTS.

3 12 To qualify for designation as an environmental management
3 13 system pursuant to section 455J.7 a solid waste planning area
3 14 shall actively pursue all of the following:

3 15 1. YARD WASTE MANAGEMENT. Provide for the operation of a
3 16 yard waste management program or contract with another party
3 17 to do so.

3 18 2. HAZARDOUS HOUSEHOLD WASTE COLLECTION. Provide for the
3 19 proper management and disposal of hazardous household waste by
3 20 operating a regional collection center or participating in a
3 21 regional collection center network. The regional collection
3 22 center shall provide for the collection and disposal of
3 23 hazardous household wastes, including but not limited to
3 24 paint, pesticides, batteries, automotive products, sharps,
3 25 needles and syringes, and pool chemicals. The regional
3 26 collection center shall encourage the reuse of any materials
3 27 for which reuse is possible and may educate households on the
3 28 use of safer alternatives through efforts designed to increase
3 29 public participation and to increase the participation of
3 30 local government entities not currently in a network.

3 31 Regional collection centers may also provide for the
3 32 assessment of current educational programs by examining
3 33 changes in consumer behavior.

3 34 3. WATER QUALITY IMPROVEMENT. Provide for a water quality
3 35 improvement program within the system's planning area. Such a
4 1 program may include offering educational programs, sponsoring
4 2 awareness initiatives, providing for cleanup activities such
4 3 as the cleanup of illegal dumping areas, and otherwise
4 4 promoting responsible environmental behavior.

4 5 4. GREENHOUSE GAS REDUCTION. Implement a greenhouse gas
4 6 reduction program designed to prevent the release of
4 7 greenhouse gases into the atmosphere. Such a program may
4 8 include but is not limited to the following activities:

4 9 a. Generating electricity or producing other fuels through
4 10 the collection of landfill gas, such as a methane gas recovery
4 11 or minimization system.

4 12 b. Collecting and managing food and other organic waste
4 13 from households and from industrial and commercial
4 14 establishments, or attempting to recover energy from the reuse
4 15 of biomass.

4 16 c. Implementing programs that encourage the efficient use
4 17 of energy and promote the use of renewable fuels.

4 18 d. Discouraging the uncontrolled burning of solid waste
4 19 and yard waste.

4 20 e. Setting recycling goals to measure energy savings and
4 21 quantify the level of success of greenhouse gas mitigation
4 22 efforts.

4 23 f. Collection and recycling services targeted at waste
4 24 generated by industrial and commercial facilities such as
4 25 cardboard, paper, construction, and demolition waste.

4 26 5. RECYCLING SERVICES.

4 27 a. Offer recycling services for paper, glass, metal, and
4 28 plastics within the communities served. In addition to
4 29 offering recycling of paper, metal, glass, and plastics, a
4 30 solid waste planning area may also offer recycling services
4 31 for electronic waste, white goods, and tires.

4 32 b. Recycling services may also be targeted at waste
4 33 generated by industrial and commercial facilities such as
4 34 cardboard, paper, construction, and demolition waste.

4 35 c. Recycling services offered in an effort to meet the
5 1 goals of this subsection may be provided through drop-off
5 2 sites or through curbside recycling programs operated in
5 3 conjunction with solid waste collection.

5 4 6. ENVIRONMENTAL EDUCATION. Plan and implement programs
5 5 educating the public on environmental stewardship. These
5 6 programs may include components designed to prevent illegal
5 7 dumping, reduce greenhouse gas emissions, improve water
5 8 quality, reduce waste generation, increase recycling and
5 9 reuse, or any other environmental objective that furthers the
5 10 purpose and goals of this chapter.

5 11 Sec. 7. NEW SECTION. 455J.4 ANNUAL COMPLIANCE REPORTS.

5 12 1. On September 1, 2009, and each year thereafter, each
5 13 environmental management system shall submit to the department
5 14 an annual report. The report shall document the system's
5 15 compliance with the requirements of section 455J.3.

5 16 2. The department shall adopt by rule methods and criteria
5 17 for determining whether a system is in compliance with the
5 18 provisions of this chapter. In adopting methods and criteria,
5 19 the department shall consult with stakeholders in order to
5 20 develop reasonable and appropriate criteria.

5 21 Sec. 8. NEW SECTION. 455J.5 INCENTIVES.

5 22 1. A solid waste planning area designated as an
5 23 environmental management system pursuant to section 455J.7
5 24 shall qualify for all of the following:

5 25 a. An exemption from solid waste reduction goals imposed
5 26 on sanitary landfills pursuant to section 455D.3.

5 27 b. A reduced tonnage fee of three dollars and sixty-five
5 28 cents per ton, to be imposed as provided in section 455B.310,
5 29 notwithstanding section 455B.310, subsection 2, of which two
5 30 dollars and ten cents shall be remitted to the department.

5 31 c. Financial assistance as recommended by the council and
5 32 approved by the commission pursuant to section 455J.7.

5 33 2. Notwithstanding any other provision of law to the
5 34 contrary, in addition to the incentives in subsection 1, an
5 35 environmental management system is only required to file its
6 1 updated comprehensive plan once every five years.

6 2 Sec. 9. NEW SECTION. 455J.6 SOLID WASTE ALTERNATIVES
6 3 PROGRAM ADVISORY COUNCIL.

6 4 1. A solid waste alternatives program advisory council is
6 5 established within the department. The council consists of
6 6 the following voting members serving staggered three-year
6 7 terms who shall be appointed by the director:

6 8 a. One member representing the Iowa recycling association.

6 9 b. One member representing the Iowa waste exchange.

6 10 c. One member representing the department of economic
6 11 development's recycle Iowa program.

6 12 d. One member representing the Iowa society of solid waste
6 13 administrators.

6 14 e. Three members representing solid waste planning areas
6 15 of various sizes.

6 16 f. One member representing the Iowa chapter of the
6 17 national solid wastes management association.

6 18 g. One member representing the department.

6 19 2. In appointing members to the council, the director
6 20 shall include representatives from both public and private
6 21 solid waste entities.

6 22 3. Members shall not be entitled to compensation, but
6 23 shall be entitled to reimbursement for expenses pursuant to
6 24 section 7E.6.

6 25 4. A majority of voting members shall not include any
6 26 member who has a conflict of interest. A statement by a
6 27 member that the member has a conflict of interest is
6 28 conclusive for this purpose. A vacancy in the membership does
6 29 not impair the duties of the council.

6 30 Sec. 10. NEW SECTION. 455J.7 DESIGNATION OF
6 31 ENVIRONMENTAL MANAGEMENT SYSTEMS.

6 32 1. CONSIDERATION OF PLANS. The council shall consider
6 33 solid waste management plans submitted by solid waste planning
6 34 areas and make recommendations for designation as an
6 35 environmental management system to the commission. All system
7 1 designations recommended by the council are subject to

7 2 approval by the commission. Any solid waste planning area may
7 3 submit a plan to the council and seek designation as a system.
7 4 a. By October 1, 2008, the council shall recommend the
7 5 designation of up to six initial qualifying solid waste
7 6 planning areas as environmental management systems to serve as
7 7 pilot projects. By October 1, 2009, and by the same date each
7 8 year thereafter, the council may recommend the designation of
7 9 any additional planning areas as systems, provided those areas
7 10 meet the requirements of section 455J.3.

7 11 b. In recommending the designation of a planning area as a
7 12 system, the council shall make a determination as to whether
7 13 the area meets the requirements of section 455J.3. The
7 14 council shall not recommend the designation of a planning area
7 15 as a system unless the planning area meets the requirements of
7 16 section 455J.3.

7 17 c. The commission shall consider the plans submitted to
7 18 the council and shall review the council's recommendations on
7 19 those plans. The commission shall approve or reject each plan
7 20 and shall make publicly available its reasons for doing so.

7 21 2. SYSTEM REVIEW.

7 22 a. By October 1, 2009, and by the same date each year
7 23 thereafter, the council shall review the annual reports of all
7 24 designated systems and determine whether those systems remain
7 25 in compliance with section 455J.3. If the council determines
7 26 that a planning area is no longer in compliance, the council
7 27 may recommend to the commission the revocation of the planning
7 28 area's system designation.

7 29 b. The council may review and monitor the progress of
7 30 those planning areas that have not been designated as a system
7 31 and shall coordinate with other statewide boards, task forces,
7 32 and other entities in order to achieve the goals and
7 33 objectives of this chapter.

7 34 3. ALLOCATION OF FUNDS.

7 35 a. The council shall recommend to the commission a
8 1 reasonable allocation of the moneys provided in section
8 2 455E.11, subsection 2, paragraph "a", subparagraph (1),
8 3 subparagraph subdivision (c), to eligible systems. In making
8 4 its recommendation as to the allocation of moneys, the council
8 5 shall adopt and use a set of reasonable criteria. The
8 6 criteria shall conform to the goals and purposes of this
8 7 chapter as described in section 455J.1 and shall be approved
8 8 by the commission.

8 9 b. Notwithstanding any other provision of law to the
8 10 contrary, the commission shall make a final allocation of the
8 11 funds described in section 455E.11, subsection 2, paragraph
8 12 "a", subparagraph (1), subparagraph subdivision (c), to
8 13 systems meeting the requirements of this chapter.

8 14 c. Moneys allocated pursuant to this subsection shall be
8 15 used by systems to further compliance with any of the
8 16 requirements of section 455J.3.

8 17 EXPLANATION

8 18 This bill relates to solid waste disposal and management.

8 19 The bill creates a process for designating solid waste
8 20 planning areas as environmental management systems and creates
8 21 a council to oversee the process. The council is established
8 22 within the department of natural resources. The director of
8 23 the department appoints the members of the council. The
8 24 council members, in general, must be members of the solid
8 25 waste community.

8 26 The bill encourages solid waste planning areas to engage in
8 27 responsible environmental management by providing incentives
8 28 for environmentally appropriate solid waste management. Solid
8 29 waste planning areas meeting certain requirements may be
8 30 designated as environmental management systems and, if
8 31 designated, qualify for an exemption from certain sanitary
8 32 landfill goals, reduced tonnage fees, and funding assistance
8 33 from the council. In addition, designated environmental
8 34 management systems only have to file an updated plan every
8 35 five years instead of the three years currently required under
9 1 the department's rules. To be designated an environmental
9 2 management system, a solid waste planning area must actively
9 3 pursue the operation of a yard waste management program; the
9 4 disposal of hazardous household waste at a regional collection
9 5 center; watershed improvements within the area served by the
9 6 solid waste disposal project; reduced greenhouse gas emissions
9 7 through a variety of methods; a recycling program; and public
9 8 education programs.

9 9 The bill establishes a process for the designation of
9 10 environmental management systems. First, the council is
9 11 required by October 1, 2008, to recommend to the environmental
9 12 protection commission up to six qualifying solid waste

9 13 planning areas for designation as environmental management
9 14 systems. Second, by October 1, 2009, and each year
9 15 thereafter, the council must determine whether the designated
9 16 systems remain in compliance. The council may also, in
9 17 subsequent years, designate any additional qualifying planning
9 18 areas. Third, the council may also review and monitor the
9 19 progress of planning areas that have not been designated as
9 20 environmental management systems. Fourth, the council is
9 21 required to coordinate with other statewide boards, task
9 22 forces, and other entities in achieving the goals and
9 23 objectives of the bill. Finally, the council is responsible
9 24 for recommending the allocation of funds to environmental
9 25 management systems to be used for achieving compliance with
9 26 the bill. All of the council's recommendations are subject to
9 27 the approval of the environmental protection commission.
9 28 The bill also redirects moneys from tonnage fees. Under
9 29 current law, moneys collected from tonnage fees are used for
9 30 funding alternatives to landfills. The bill provides that a
9 31 portion of the moneys collected from these tonnage fees be
9 32 allocated to environmental management systems. The funding
9 33 would be used to assist solid waste planning areas in
9 34 developing plans that meet the requirements.
9 35 Finally, the bill requires the department of natural
10 1 resources to assist all solid waste planning areas to move
10 2 toward an environmental management systems approach to the
10 3 disposal of solid waste.
10 4 LSB 5723HV 82
10 5 tw/nh/24.1